

From: Susan Lauinger
Sent: Tuesday, December 22, 2015 1:15 PM
To: 'Vasile Antemie'
Cc: Rob Jammerman
Subject: Up Lake Short Plat

Hi Vasile,

As you know the neighbor to the south of your proposed short plat, Mr. Calderon, has a dispute with the two property corners as shown in the highlighted cut paste below. I have gone to the site to verify the disputed corners.

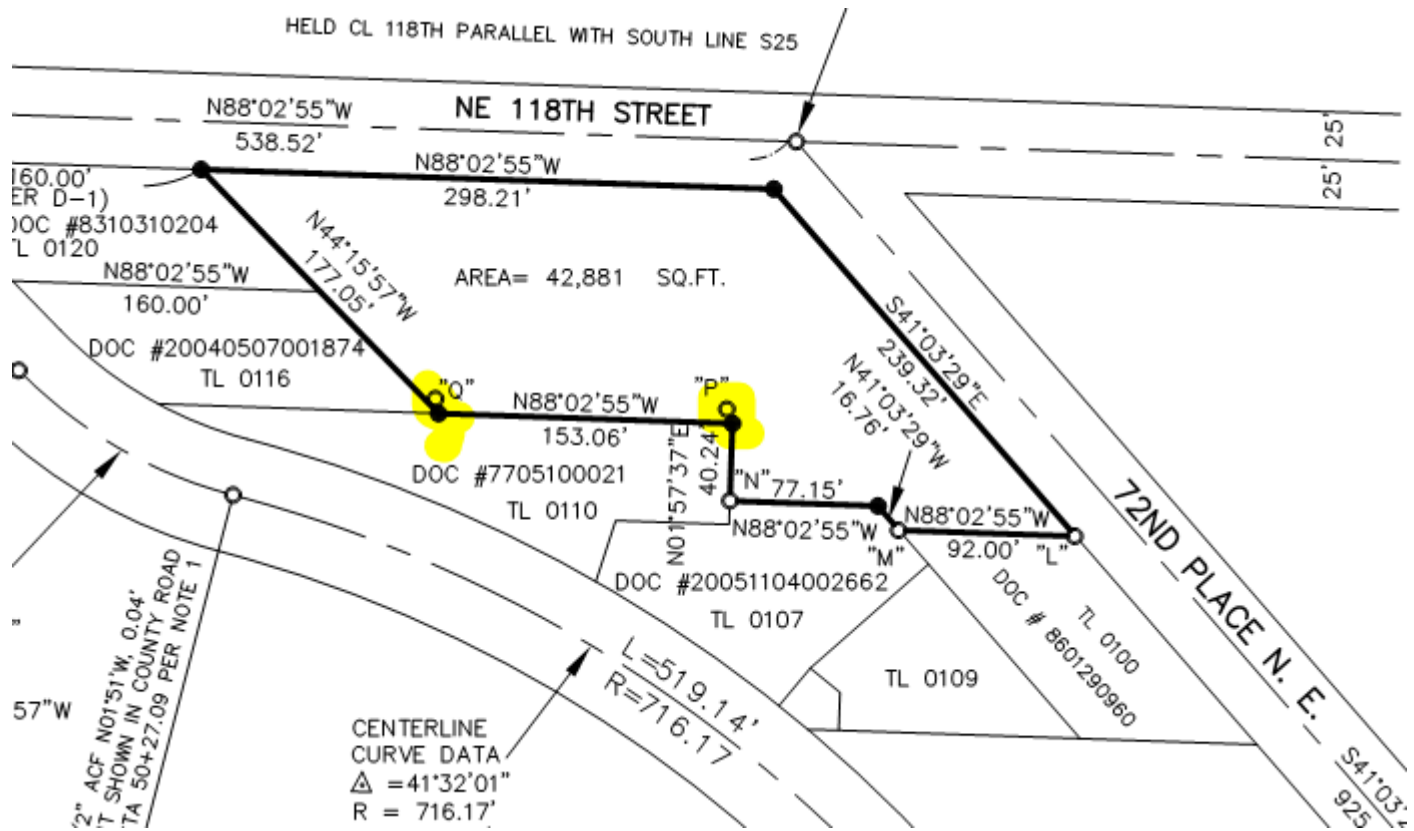
In my consultations with the Assistant City Attorney, I found that this sort of dispute has case law that indicates that the City cannot approve your short plat without the signature of the neighbor with the dispute. So in essence, your neighbor has to agree to the new property corners in order for the City to move forward with your short plat application.

Since the neighbor is unlikely to agree to signing off on your short plat, I recommend that you simply put the corners back where they were or have a good explanation for the neighbor as to why you have set them further in to what he thinks of as his property.

Even if the new corners are correct, this sort of claim is related to an adverse possession claim and in those types of claims, the City cannot approve a land division that affects the claim. A court case does not have to be involved in the claim.

Additionally, both myself and Rob Jammerman have additional comments concerning the completeness of your last submittal. Next week, I plan to send you a letter with both of our comments. I wanted to get this information to you first so that you can get started on solving this issue since there is no moving forward without a solution to the property dispute.

Let me know if you have questions.



Susan Lauinger

Planner

Planning and Building Department

123 5th Ave

Kirkland, WA 98033

425-587-3252

slauinger@kirklandwa.gov

Kirkland Maps makes property information searches fast and easy

GIS mapping system now available to public at <http://maps.kirklandwa.gov>.